

UTAH BUREAU OF CRIMINAL IDENTIFICATION

NEWSLETTER

• DEPARTMENT OF PUBLIC SAFETY •

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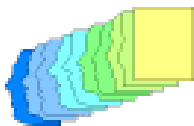
JANUARY 2001

COMPLETE CRIMINAL HISTORIES

In Ohio, a man tried to purchase a semiautomatic pistol from a gun store on June 12, 1999. The application was processed through the National Instant Criminal Background Check System (NICS), and the transaction was delayed. NICS staff were unable to determine his complete criminal history within three business days, so the man received the weapon on June 16. The next day, a friend of the gun buyer used the weapon to rob a restaurant. The first man, who had been convicted of assault in 1995, had purchased the gun for the robber. Both were convicted felons, and both were members of the East Cleveland Crips Gang.

At a store in Kentucky, a man purchased a pump action shotgun in September of 1999. Later that same day, the man used the weapon to kill his 11-month-old son before turning the gun on himself. The application included a question about the existence of a domestic violence order against him. He answered "yes," but the store personnel didn't notice his response. NICS did not have a record of the court order so the transaction was approved. (From *The CJIS Link*, Vol. 4, No. 3/Fall 2000)

Unfortunately, it is only a matter of time before a similar situation takes place in Utah. At the very least, incomplete information on RAP sheets is annoying; but this incomplete information can also prevent justice from being served, and can even be deadly to innocent victims.



Maintaining complete and accurate criminal information is the responsibility of everyone in the criminal justice community: from the arresting agency to the city and county attorneys to the courts and to corrections.

Law enforcement agencies around the country have been sued because they did not maintain complete and accurate records. As more and more entities require background checks for employment

purposes, or for gun purchases, *it is safe to assume that these lawsuits will only increase in number.*

As seen in the example above, lack of information on a criminal history may result in an unqualified individual obtaining a firearm. But it also means that individuals who are legally qualified to purchase firearms may face a delay while their transaction is researched. Please do your part to make sure that no one has to face unnecessary delays.

There are many ingredients that go into a complete criminal history. Factors to remember when putting together a complete criminal history for an individual include:

- **All criminal arrests** - with fingerprints!
- **Declination information** – from the arresting agency or the Prosecuting Attorney's office (when applicable)
- **Court action** - specific, detailed information about conviction, dismissal, etc.
- **Warrants** – statewide and NCIC
- **Protective Orders** - include Date of Birth, and as much identifying information as possible
- **Alias information:** - names, dates of birth, social security numbers, etc.
- **Physical descriptors** - eye and hair color, race, tattoos, scars, height, weight, etc.
- **Caution indicators** – medical conditions, suicidal, individual wants to "kill a cop," etc.

Please note that per 53-10-207(2), declinations are **both** the responsibility of the prosecutor AND the law enforcement agency that submitted the prints. On occasions when the arresting agency decides not to file charges with the prosecutor, that arresting agency needs to send a declination to BCI. These declinations (per 53-10-207(2)) are to be sent to BCI within 14 days. (Failure to do so causes serious delays, as BCI personnel try to locate court disposition information that does not exist!)

COURTS – YOUR DATA IS VITAL!

Many of the decisions that are based on criminal history information are not based on the arrests, but on the *convictions*. A rap sheet without court data is not nearly as informative or beneficial as it should be.

BCI cannot overemphasize the importance of receiving timely, accurate, and complete court data. This includes:

- **Matching the right court action to the right arrest by using the correct OTN number**
- **Date of Arrest**
- **Date of Conviction**
- **Degree of conviction** (1st Degree Felony, Class B Misdemeanor, infraction, etc.)
- **Dismissals** – issued by courts
- **Declinations** – declinations can only be issued by a prosecuting attorney's office or arresting agency. *Courts cannot issue declinations!*
- **Jail/Prison terms**
- **Fines** and other financial details.
- **Probation information**
- **Plea in Abeyance or Diversion Information**

If BCI contacts your court by phone to obtain conviction data for an arrest, please do what you can to furnish us with that data as soon as possible. If this data is needed for a Brady Firearms Check, we must have the information within three working days, or the sale must be approved (whether the individual is legally able to obtain a firearm or not).

Again – it is only a matter of time until a lack of data on a person's criminal history has some sort of tragic consequence. When this does happen, the victim (or victim's family) will undoubtedly sue the court that did not properly submit all necessary information. (It is also safe to assume that all of Utah's media outlets will be on that court's doorstep, asking many painful questions!)

For more information about sending complete and accurate dispositions to BCI, please visit www.bci.state.ut.us/tac_information/courtinfoforweb.pdf, or call Valorie Tolley at 801-965-4943.

DIVERSIONS & PLEAS IN ABEYANCE

If the court sentence included a "Plea in Abeyance" (PIA) or a "Diversion", *what date did it start, and how long does it last?* When there is a PIA or Diversion, send the information to BCI as soon as the sentence has been determined; don't wait until

the END of the sentence to send it to BCI! If the defendant does not comply with either the PIA or Diversion, send the information to BCI so we can update the record and show that the individual is "guilty" instead of still under PIA or Diversion.

PROTECTIVE ORDERS and WARRANTS

COURTS: Please, please, *please* do all that you can to include as much identifying information about the individual with the protective order or warrant! (*Especially* dates of birth!)

Imagine you are a police officer who has just pulled over David Anderson on a minor traffic violation. You run his name and DOB through UCCH, and you pull up a felony warrant for a David Anderson....with no date of birth or identifying information listed. What do you do now? Detain an individual who may be innocent, or let a man with a felony warrant go free? Making the wrong decision may result in a lawsuit...or it could mean that a dangerous criminal is allowed to remain free.

Imagine you are working for BCI's Brady section. You are performing an Instant Brady Check on a Mike Smith. During the check you pull up a Protective Order on a Mike Smith...and there is no date of birth on the Protective Order. Since no DOB is listed on the Protective Order, the sale must be approved. Mike Smith now takes this new firearm and kills his ex-wife, who had brought the Protective Order against him.

Again – we ask you to pack the warrants and Protective Orders with as much identifying information as possible. It saves hassle, reduces the likelihood of lawsuits, and can save innocent lives.

ARRESTING AGENCIES

When you send ARREST information to BCI, the 10-print card or citation **MUST** contain fingerprints. If you send us a 10-print card with no fingerprints, (and no disposition information), that card is put through the shredder, and no information about that individual is entered into BCI's database. (Cards with disposition information but no fingerprints can be sent to BCI, as these are used to enter disposition information for an arrest.)

Why are we unable to enter information from 10-print cards without fingerprints? Because BCI's entire criminal history database is based on

fingerprints. Before an arrest can be entered, we first verify the fingerprints on that record to ensure that the arrest being entered really does belong to the person of record. Without fingerprints, there is no way to determine the true identity of the person arrested.

➡ (Imagine that someone using your name and date of birth is arrested. If that arrest does not have fingerprints attached to it, how can you prove that it was not YOU that was arrested?)

Also; if your agency mails your fingerprint cards and citations to BCI, please make sure that they are mailed as soon as possible after the arrest. If your agency only arrests a few people a month, please do not "save up" the cards and citations until you have a large amount to mail. Instead, please mail them as soon as you can; even if it means sending only one card or citation.

FIREARMS



BOGUS BADGE ALERT! – Recently, some concealed permit holders have been displaying badges which appear to be police badges but are inscribed "Concealed Permit Holder."

These badges are not sanctioned or recognized by BCI.

These badges are generally worn on the waist next to the weapon and are intended to appear "official". Concealed permit instructors and gun dealers who are selling these badges have been advised that people who display them *could* be cited for "Impersonating a Police Officer". BCI has requested that instructors and dealers not sell these badges; however, we have no grounds to stop them.

CONCEALED WEAPON TRAINING – Would your agency like training about current concealed weapon laws and issues? Personnel from BCI's Firearms Section would be happy to come to your agency to provide training and answer your questions about state statutes and federal laws.

If your agency is off of the Wasatch Front, you may want to get together with several other agencies in your area, and have BCI come and train you all at the same time. For more information about training, please feel free to call the Firearms Section at 801-965-4484.

TAC ADVISORY BOARD THANKS!

BCI wishes to extend our most heartfelt "Thank You's!" to the 2000 TAC Advisory Board members:

MARY BAIN – Salt Lake County SO
BRENT BALL – Park City PD
DAN BROOKS – Granite School District PD
CINDY MASON – Utah County SO
BILL MOYES – Layton PD
PAULETTE STAPLES – Millard County SO
PATSY WINCHESTER – Weber County SO
PAUL WOLDEN – Beaver County SO

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We would like to thank them for their valuable input for the Fall 2000 TAC conference

We would also like to thank Tec Sgt. Thurston at Hill Air Force Base, Cindy Mason at the Utah County Sheriff's Office, and David Holmes at Zion National Park for hosting the Fall 2000 TAC conference.

We would also like to thank Salt Lake County Sheriffs Office, Granite School District PD, BYU PD, UHP and Park City PD for providing testing procedure examples. (Available at www.bci.state.ut.us/tac_information/TestingPolicies.htm)

NCIC VALIDATIONS – IMPORTANT POLICY CHANGES IN 2001



In moving forward with our NCIC Validation procedures, and in compliance with NCIC 2000 policies, BCI will no longer be mailing paper copies of validations as of the deadline of March 1, 2001. If your agency does not have access to the Internet, or does not have an e-mail address, you will need to make arrangements with your entering agency on downloading and/or notifying you of your validations each month.

REMEMBER: As of March 1, 2001, *it will be your agency's responsibility to download your own validations from the DPS Server.* BCI will not be mailing validations after this date. If BCI does not have the current e-mail address for the person responsible for your NCIC Validations, please advise Della Miller at (801) 965-4454.

If your e-mail address changes, please advise Della immediately!

NCIC REMINDERS

YQ REQUESTS: Remember, when sending YQ requests, you must enter the ORI of the agency to which the request is going! BCI has seen an increase in the number of agencies who are sending the request only to themselves, and omitting the ORI of the agency that originally entered the information on NCIC.

On the formatted YQ screen, enter your agency's ORI after "YQ1.FROM/" In the spaces after "TO/UTBCI0005" enter your own ORI again, and then enter the ORI of the agency to which you are sending the inquiry.

So if you're wondering why an agency is not responding to your YQ, it could be because you never sent it to them in the first place! (It is not BCI's responsibility to forward the YQ on to the other agency.)

JUVENILE WARRANTS

REMINDER: Some juvenile courts will now be adding juvenile warrants to the Statewide Warrants System. Please be aware that these warrants will not be flagged as juvenile warrants. Law enforcement officers need to be aware that they will have to check the DOB and the court that issued the warrant to determine if the individual is a juvenile or not. Warrants for juveniles will still be added to the Juvenile Files.

UCR/IBR

CRIME IN UTAH 2000 – Now that 2000 is behind us, it is time to start preparing for the *Crime in Utah 2000* report. Please make sure that all of your agency's UCR/IBR reports for 2000 are submitted to BCI as soon as you are able, so that the report may be as complete and accurate as possible.

NIBRS MANUALS ONLINE! Frustrated by not being able to find what you're looking for in the NIBRS manuals? Tired of misplacing your manuals? Well, despair no more! NIBRS Manuals 1, 2, and 4 are now available online at www.bci.state.ut.us/UCRIBR/Defaultucr.htm

The advantage of online manuals is their ability to be electronically searched. If you are trying to find a particular word or phrase, just click on the "binocular" icon at the top of the document.

MISSING PERSON INFORMATION

FREE COMPUTER SYSTEMS!

How would your agency like a free computer system?



TRAK (Technology to Recover Abducted Kids) has been awarded \$5 million to further establish its presence among police and sheriff's in the United States.

They are offering 1,000 TRAK systems, fully funded, to those departments demonstrating an interest in joining into a partnership with their community and other law enforcement members. TRAK is presently being utilized in over 20 states and more than 500 law enforcement agencies.

TRAK is a stand alone computer system which allows any officer to produce a high resolution color photo bulletin and electronically send it to other TRAK users, the media, the community or whomever he or she may designate as a recipient.

For full details about this program, please see www.bci.state.ut.us/tac_information/TRAK.htm

2001 TRAINING – MISSING CHILDREN

The National Center for Missing and Exploited Children (NCMEC), Fox Valley Technical College, and the Office of Juvenile Justice and Delinquency Prevention are once again offering FREE courses for the year 2001.



Courses include: missing children investigations, protecting children online, child fatality investigations, team investigative processes, child sexual exploitation investigations, and school resource officer leadership.

For course schedules and locations, please see www.bci.state.ut.us/tac_information/2001training.pdf, or contact Gina McMahon at 801-965-4686.

FORWARD NEWS ITEMS TO: B.C.I., FIELD SERVICES, 3888 W 5400 S, BOX 148280, SALT LAKE CITY UT 84114-8280

BUREAU OF CRIMINAL I.D.
Nannette Rolfe, Chief
801-965-4571

FIELD SERVICES
Bruce N. Brown, Manager
801-965-4939

FIELD SERVICES
Kathy Wilcox, Supervisor
801-965-4963

EDITOR
Adrienne Sowards
801-965-4566